

Christopher M. Ferguson (NY Bar 368517)
cferguson@kflaw.com

Sharon L. McCarthy (NY Bar 2348639)
smccarthy@kflaw.com

KOSTELANETZ & FINK, LLP
7 World Trade Center, 34th Floor
New York, New York 10007
Tel.: (212) 808-8100
Admitted Pro Hac Vice

Jacob L. Fonnesebeck (NV Bar 11961)
jfonnesbeck@smithwashburn.com

SMITH WASHBURN, LLP
6871 Eastern Avenue, Suite 101
Las Vegas, Nevada 89119
Tel: (725) 666-8700

Attorneys for Defendants

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

THOMAS W. MCNAMARA, as the Court-Appointed Monitor for AMG Capital Management, LLC; BA Services LLC; Black Creek Capital Corporation; Broadmoor Capital Partners, LLC; Park 269, LLC; C5 Capital LLC; DF Services Corp.; DFTW Consolidated [UC] LLC; Impact BP LLC; Level 5 Apparel LLC; Level 5 Capital Partners LLC; Level 5 Eyewear LLC; Level 5 Motorsports, LLC; Level 5 Scientific LLC; NM Service Corp. (f/k/a/ National Money Service); PSB Services LLC; Real Estate Capital LLC (f/k/a/ Rehab Capital I, LLC); Sentient Technologies; ST Capital LLC; Westfund LLC; Eclipse Renewables Holdings LLC; Scott Tucker Declaration of Trust, dated February 20, 2015; West Race Cars, LLC; and Level 5 Management LLC; and their successors, assigns, affiliates, and subsidiaries,

Plaintiff,

v.

GARY PATTEN, an individual; PANO ADVISORS, INC., a Nevada corporation; DOES I-X; and ROE CORPORATIONS I-X,

Defendants.

Case No. 2:17-cv-02968-GMN-NJK

**STIPULATION AND ORDER TO AMEND
THE DISCOVERY PLAN AND
SCHEDULING ORDER**

**(Third Request – Expert Disclosure Date
Only)**

Assigned to: Chief Judge Gloria M. Navarro

1 Pursuant to Fed. R. Civ. P. 16(b)(4), LR IA 6-1, LR IA 6-2, and LR 26-4, Plaintiff
2 Thomas W. McNamara, in his capacity as the Court-appointed Monitor in *Federal Trade*
3 *Commission v. AMG Services, Inc., et al.*, District of Nevada, Case No. 2:12-cv-00536-GMN-
4 VCF, and Defendants Gary Patten and Pano Advisors, Inc., jointly stipulate, subject to the
5 Court's approval, to extend the expert disclosure deadline dates in the Court's current
6 Scheduling Order (D.E. No. 84) to August 28, 2020 in light of the unusual circumstances
7 caused by COVID-19. Good cause exists to approve this stipulation, as explained below.

8 The expert disclosure deadline is currently scheduled for July 22, 2020. While the
9 parties have twice requested that the Court amend the scheduling order in response to the case's
10 unique procedural posture (whereby an earlier dismissal was later vacated) and again during the
11 initial phase of the COVID-19 national emergency, the current request is limited to the expert
12 disclosure deadline. **The proposed expert disclosure deadline extension will not affect the**
13 **other current scheduled deadlines, including those for dispositive motions.** This stipulation
14 is timely in the sense that it will not be within 21 days of the current expert disclosure deadline.
15 See LR 26-4.

16 The parties have been working diligently to complete fact discovery in this matter. The
17 parties are currently in the process of taking depositions and have exchanged thousands of
18 pages of documents. The parties expect fact discovery to conclude with the existing deadline.

19 Originally, the parties requested a discovery schedule that tied the deadline for expert
20 disclosures to the end of fact discovery, with the expectation that depositions and document
21 exchanges would be finished well before the fact discovery deadline. However, due to COVID-
22 19 related difficulties and hurdles, the exchange of information and document has been slower
23 than originally anticipated. Accordingly, the parties agreed to seek an extension of the current
24 expert disclosure deadline to August 28, 2020. The parties believe that the requested extension
25 is needed to allow the attorneys time to review materials exchanged in fact discovery, provide
26 the anticipated experts with sufficient time to analyze the exchanged information, and to render
27 their opinions in their expert reports.

28 //

Proposed Schedule for Completing Expert Disclosures

The parties seek to amend the Scheduling Order as follows:

	Existing Date	Proposed Date
1. Expert disclosures	July 22, 2020	August 28, 2020

CONCLUSION

For the above-stated reasons, the parties respectfully request that this Court enter an Order granting this Stipulation to Amend the Discovery Plan and Scheduling Order to reflect the above proposed expert disclosure deadline.

Dated: July 1, 2020

McNAMARA SMITH LLP

/s/ Andrew M. Greene

Andrew M. Greene (*Pro Hac Vice*)
Edward Chang (NV 11783)
Logan D. Smith (*Pro Hac Vice*)
655 West Broadway, Suite 1680
San Diego, California 92101
Tel.: 619-269-0400
Fax: 619-269-0401

Michael F. Lynch (NV 8555)
LYNCH LAW PRACTICE, PLLC
3613 S. Eastern Ave.
Las Vegas, Nevada 89169
Tel.: 702-684-6000
Fax: 702-543-3279

*Attorneys for Court-Appointed Monitor,
Thomas W. McNamara*

Dated: July 1, 2020

KOSTELANETZ & FINK, LLP

/s/ Christopher M. Ferguson

Sharon L. McCarthy (*Pro Hac Vice*)
Christopher M. Ferguson (*Pro Hac Vice*)
Kostelanetz & Fink, LLP
7 World Trade Center, 34th Floor
New York, NY 10007
Tel.: 212-808-8100

Jacob L. Fannesbeck
SMITH WASHBURN, LLP
6871 Eastern Avenue, Suite 101
Las Vegas, NV 89119
Tel: 725-666-8700

*Attorneys for Defendants Gary Patten and
Pano Advisors, Inc.*

IT IS SO ORDERED:



NANCY J. KOPRE
UNITED STATES MAGISTRATE JUDGE

DATED: July 2, 2020